

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PAMELA ANN GAMBREL,

Plaintiff,

v.

Case No. 05-C-0968

JO ANNE B. BARNHART,

Defendant.

ORDER

Plaintiff Pamela Ann Gambrel has filed an action for court review of a decision rendered by the Commissioner of Social Security. Ordinarily, a plaintiff must pay a statutory filing fee of \$250 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *See Nietzke v. Williams*, 490 U.S. 319, 324 (1989). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, it is not entirely clear that plaintiff could not pay at least a portion of the \$250 filing fee. Plaintiff is unemployed but receives \$628.00 per month from the State of Wisconsin. Her obligations include the support of her daughter (estimated at \$230.00 per month), rent (\$143.00 per month), utilities

(estimated at \$82.50 per month), and cable television bills (estimated at \$127.10 per month, but actually closer to \$55.00 per month). Plaintiff's monthly obligations thus total approximately \$510. Where it is not economically unfair for a plaintiff to pay a portion of the filing fee, I have authority to order payment of a portion of the expense while waiving the remainder. *Bryan v. Johnson*, 821 F.2d 455, 457 (7th Cir. 1987). If plaintiff can afford to pay \$55 per month for cable television, one can reasonably ask why she could not afford to pay \$55, one time, to litigate this case. Given her overall income and obligations, however, I concluded that her petition should be granted.

THEREFORE, IT IS ORDERED that plaintiff's request to proceed in forma pauperis is granted. The clerk is ordered to serve a copy of the complaint and this order on the Commissioner of Social Security.

Dated this 3rd day of October, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge